



April 14, 2009

Federal Coordinator for Plan Review And Approval
ATTN: Janet Sten
Division of Workforce System Support
Employment and Training Administration
U. S. Department of Labor
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210

Dear Ms. Sten:

The State of Indiana's Strategic Plan for Title I of the Workforce Investment Act (WIA) of 1998 and the Wagner-Peyser Act will expire on June 30, 2009. In accordance with Training and Employment Guidance Letter (TEGL) No. 14-08, the State of Indiana is requesting that the U. S. Department of Labor extend the life of the existing State of Indiana WIA/Wagner-Peyser Act State Plan until June 30, 2010. Specifically, the State is requesting to extend the following:

1. WIA/Wagner-Peyser Performance Goals for Program Year 2009

For its performance goals for Program Year 2009, the State of Indiana intends to use the same Common Measures goals negotiated for Program Year 2008.

2. Waiver Requests

As indicated in TEGL No. 14-08, the State of Indiana is requesting that the following approved waivers be continued through June 30, 2009 for both WIA formula funds and Recovery Act funds, unless otherwise stipulated:

- Waiver Request 1(b) - Two-Workforce Service Area (WSA) Designation
- Waiver Request 3 - Allow Youth to Use Individual Training Accounts
- Waiver Request 5 - Time Limit for Initial Eligibility for Eligible Training Provider List
- Waiver Request 6 - Transfer between Adult and Dislocated Worker Programs
(for WIA formula funds only)

Mitchell E. Daniels, Jr., Governor
Teresa L. Voors, Commissioner

10 North Senate Avenue
Indianapolis, IN 46204-2277
www.workforce.IN.gov
An Economic Development Partner

Phone: 317.232.7670
Fax: 317.233.4793

Page 2
Janet Sten
April 14, 2009

- Waiver Request 7 - State Set-Aside Rapid Response Redistribution
(This waiver applies to Recovery Act funding for the purpose of utilizing incumbent worker training as part of layoff aversion strategies and for WIA formula funds.)
- Waiver Request 8 - Permit Formula Funds to be used as Governor's Discretionary Local Formula Funds
- Waiver Request 9 - Waiver of Current WIA Performance Measures in Order to Fully Implement Common Measures

The State of Indiana is requesting one new waiver per the requirements of TEGL No. 14-08.
The waiver is:

- Waiver Request 10 - Procurement Requirements for Youth Summer Employment Providers
(for Recovery Act funding only)

A complete waiver plan is attached.

The point of contact for the waivers in the State Plan for the State of Indiana is:

Gina C. DelSanto, Ph.D.
Senior Deputy Commissioner for Policy and Performance
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204
Phone: 317.232.0204
Email: GDelsanto@dwd.IN.gov

Please contact Dr. DelSanto should you have questions.

Sincerely,



Teresa L. Voors
Commissioner

Enclosure

Waiver Request 10, Procurement Requirements for Youth Summer Employment Providers

c Nick Lammers, Acting Regional Administrator, USDOL/ETA Region V

Waiver Request 10
Procurement Requirements for Youth Summer Employment Providers
State of Indiana
Effective April 1, 2009 to September 30, 2009 (ARRA only)

The State of Indiana is requesting a waiver of the regulatory requirements found in the Workforce Investment Act, Section 123, and 20 CFR Part 664.405(a)(4) that indicate eligible providers of youth services be selected by awarding a grant or contract on a competitive basis by the local board based on the recommendation of the youth council. This waiver is two-fold, and would only be applicable to American Recovery and Reinvestment Act of 2009 (ARRA) funding and only be for the summer of 2009:

1. Request a waiver to allow Workforce Investment Boards (WIBs) to expand existing, competitively procured contracts by no more than 100%.
2. Request a waiver to conduct an expedited, limited competition to select service providers.

The Indiana Department of Workforce Development (DWD) has communicated with the two local Workforce Investment Boards within the State of Indiana to assess the readiness of immediately procuring service providers to carry out the summer employment program under ARRA. Both WIBs expressed concern over the short timeframe for procurement, and requested that the State submit a waiver on their behalf with the flexibility of utilizing the options listed above. The State views this waiver as an emergency request in order for the State to support the Workforce Investment Boards' efforts to quickly implement the procurement process so enrollment of youth into the summer employment program may begin on time.

Justification for this waiver

Both of Indiana's Workforce Investment Boards intend to carry out a robust youth summer employment program funded by ARRA. In order to rapidly implement these programs, both WIBs seek to expand existing, competitively procured contracts with WIA youth providers.

For one WIB (Balance of State), the WIA grantee (DWD) would serve as the employer-of-record for summer youth participants, conducting interviews, hiring processes, and payroll for participants. Existing, competitively procured WIA youth service providers would provide the following activities:

- Determine participant eligibility
- Enroll participants
- Case manage participants
- Provide work readiness assessment
- Monitor work experience sites.

It is assured that these youth service providers were procured in accordance with DWD policy, based on OMB Circular compliance, and federal and state procurement legislation and regulations.

For Indiana's other WIB (Marion County), the grantee (the Indianapolis Private Industry Council) would expand existing, competitively procured contracts with current WIA youth service providers to:

- Determine participant eligibility
- Enroll participants
- Case manage participants
- Provide work readiness training
- Serve as the employer-of-record for participants
- Monitor work experience sites
- Monitor education sites

In its plan, in addition to the summer employment component, the Marion County Workforce Investment Board would offer participants in its youth summer employment program the opportunity to participate in remediation and credit recovery in order to get back on track for high school graduation. Approval of this waiver would allow the Workforce Investment Board to utilize an expedited, limited competition to select area high schools to provide this remediation and credit recovery.

Accountability safeguards against unfair procurement practices

If approved, DWD will provide guidance for implementing this waiver through policy issuance. The Oversight Unit of DWD will be responsible for monitoring each WIB that utilizes this waiver, and will ensure that procurement practices adhere to this waiver and to applicable state and local procurement laws.

How will the State publicly announce summer employment providers as indicated by the transparency provisions in the Recovery Act?

DWD currently posts all WIA Youth Service Providers on its website. In addition, each WIB will be responsible for identifying their service providers for the youth summer employment program on its website.

Identify the statutory or regulatory requirements that are requested to be waived.

The State of Indiana is requesting a waiver of the regulatory requirements found in the Workforce Investment Act, Section 123, and 20 CFR Part 664.405(a)(4) in order to allow WIBs to expand existing, competitively procured contracts with youth service providers and/or to conduct an expedited, limited competition to select service providers.

Describe the actions that the State has undertaken to remove State statutory or regulatory barriers.

Indiana's emergency procurement processes are not available in this situation as the release of ARRA funds does not constitute an emergency under Indiana law.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted.

The overarching goal of this waiver is to improve youth service provider procurement by increasing flexibility and streamlining procurement processes to allow the State of Indiana to implement robust youth summer employment programs through the use of ARRA funding. Specifically, the granting of this waiver request would allow the following:

- There will be no delay in service delivery to eligible youth participants for summer activities.
- Additional time for planning for summer activities, rather than procurement, will be available to youth program administrators and youth service providers.

Describe the individuals impacted by the waiver.

- Eligible youth participants will not encounter delays in service delivery for summer activities.
- Local boards will be able to implement youth summer employment activities in a timely manner, to begin on or around May 1, 2009.

Describe the process used to monitor the progress in implementing such a waiver.

The State will closely monitor the implementation of this waiver through the DWD Oversight Unit. If this waiver is approved, DWD will issue a policy detailing the requirements of this waiver, including the process by which each WIB will procure its ARRA-funded youth summer employment providers. The DWD Oversight Unit will ensure that the Workforce Investment Boards' procurement practices conform to this waiver and to applicable state and federal procurement laws.

Describe the process by which notice and an opportunity to comment on such request has been provided to the local board.

The Indiana Department of Workforce Development will publish this waiver request on its website (www.IN.gov/dwd) along with the Program Year 2009 Modification to the State Plan for public review and comment. In addition, an electronic memorandum advising Indiana's Workforce Investment System of this proposed waiver will be sent to all Workforce Investment Board leaders notifying them of the opportunity to provide comment. The waiver request will be available for public comment for 15 days, and any comments received during that period will be disseminated to the United States Department of Labor, Employment and Training Administration.